

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**STEPHANIE TRISLER,
APPELLANT**

vs.

**HENRY BERRY,
RESPONDENT**

DOCKET NUMBER WD78057

DATE: AUGUST 11, 2015

Appeal from:

The Circuit Court of Ray County, Missouri
The Honorable James C. Thompson, Judge

Appellate Judges:

Before Division One: Cynthia L. Martin, P.J., Joseph M. Ellis, J., and James E. Welsh, J.

Attorneys:

Abbie Rothermich, for Appellant

Henry Berry, Respondent Pro-se

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STEPHANIE TRISLER, APPELLANT

v.

HENRY BERRY, RESPONDENT

WD78057

Ray County, Missouri

Before Division One Judges: Cynthia L. Martin, P.J., Joseph M. Ellis, J., and James E. Welsh, J.

On September 8, 2014, Appellant Stephanie Trisler filed a petition seeking an order of child protection against Respondent, Henry Berry, who is the step-grandfather of Appellant's daughter. In her petition, Appellant requested an *ex parte* order of child protection as well as a full order of child protection preventing Respondent from having any contact with Appellant's daughter.

On September 8, 2014, the trial court made a docket entry denominated an "order" in which it denied Appellant's request for an *ex parte* order of child protection. In a subsequent docket entry the following day, the trial court dismissed Appellant's petition without prejudice.

Appellant subsequently filed a motion requesting that the trial court denominate the September 8, 2014 docket entry a judgment. The trial court granted Appellant's motion. Appellant now appeals from the dismissal of her petition for an order of child protection.

DISMISSED.

Division One holds:

The trial court's dismissal of Appellant's petition for an order of child protection did not constitute a final appealable judgment in that the trial court dismissed the petition without prejudice and there is no indication in the record that the trial court intended to dismiss the action and not just the pleading. Furthermore, the September 9, 2014 docket entry dismissing the petition is not denominated a judgment nor is it signed by the judge. Accordingly, the appeal must be dismissed, as there is no final judgment from which Appellant can appeal.

Opinion by: Joseph M. Ellis, Judge

Date: August 11, 2015

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